

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

RAYE STELLING,

Plaintiff,

v.

WALMART INC., et. al,

Defendants.

CIVIL ACTION NO.: 4:19-cv-312

ORDER

This action arises from injuries that Plaintiff Raye Stelling, a Georgia citizen, sustained while shopping at a Walmart store in Savannah, Georgia. (Doc. 1-1.) After Plaintiff filed suit in the State Court of Chatham County against Walmart Inc., Nicky King, and John Does 1-10, Defendants Walmart Inc. and King removed the case to this Court pursuant to 28 U.S.C. §§ 1332 and 1441. (Doc. 1.) Presently before the Court is the parties' Consent Motion to Dismiss Defendants King and John Does 1–10 and to Substitute Wal-Mart Stores East, L.P. (as Defendant in place of Walmart Inc.), (doc. 18). Per their Motion, the parties agree that Defendant King is not a proper party to this action and request that he be dismissed as a defendant. (Id. at p. 3.) Plaintiff further stipulates to the dismissal of John Does 1–10. (Id.) Additionally, the parties agree that Defendant “Walmart Inc[.] is not the correct corporate entity for purposes of this litigation” and that the proper entity, Walmart Stores East, L.P. (at times, “Walmart East”), “should be substituted . . . as the Defendant in this case.” (Id.) Finally, the parties note that because Walmart East is a citizen of Delaware and Plaintiff seeks more than \$75,000 in damages, the requested changes will not divest this Court of diversity jurisdiction. (Id. at pp. 6–7; see also doc. 1-1, p. 3 (alleging damages in excess of \$150,000).)

As all named parties have jointly moved and consented to the requested dismissals and substitution, the Court **GRANTS** the parties' Consent Motion, (doc. 18). Accordingly, the Court **DISMISSES** Defendants Walmart Inc., Nicky King, and John Does 1-10, and **ADDS** Walmart Stores East, L.P. as a defendant. The Court **DIRECTS** the Clerk of Court to terminate Walmart Inc., Nicky King, and John Does 1-10 as parties to this action and to add Walmart Stores East, L.P., as a defendant.¹

SO ORDERED, this 7th day of April, 2020.



R. STAN BAKER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA

¹ In light of the foregoing, the Court **DENIES as moot** King and Walmart, Inc.'s pending Motion to Dismiss, (doc. 7), wherein King and Walmart, Inc. seek their dismissal as parties from this action. Likewise, the Court **DENIES as moot** King and Walmart Inc.'s contemporaneously-filed Motion to Stay, in which they requested a stay of the discovery period while their Motion to Dismiss was pending, (doc. 6).